

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JOANN DENICE MAYS

PLAINTIFF

NO. 4:19CV00127-JMV

**NANCY BERRYHILL
COMMISSIONER OF SOCIAL SECURITY**

DEFENDANT

FINAL JUDGMENT

This cause is before the court on Plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration denying a claim for supplemental security income benefits. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit. The court, having reviewed the administrative record, the briefs of the parties, and the applicable law, and having heard oral argument, finds as follows:

Consistent with the court's ruling from the bench during a hearing held May 5, 2020, the court finds the ALJ's decision is not supported by substantial evidence in the record. Specifically, the ALJ failed to include in the claimant's RFC the need to be and time off task for multiple restroom breaks. Additionally, the ALJ failed to give good reasons for discounting and rejecting the opinions of the state agency medical consultants with regard to both the claimant's physical and mental limitations.

On remand, the ALJ must obtain a physical and a mental medical source statement that contains function-by-function assessments of the claimant's ability to perform work

activities—for the relevant period—from a treating gastroenterologist and from Dr. Michael Whelan, respectively. If the ALJ is unable to obtain the same within a reasonable amount of time, the ALJ must obtain the appropriate RFC opinion(s) for the relevant period from a medical advisor(s). Ultimately, the ALJ must consider all the evidence and issue a new decision. Any RFC determination must include findings regarding the claimant's need to be and time off task for multiple restroom breaks. The ALJ may conduct any additional proceedings that are not inconsistent with this decision.

**IT IS, THEREFORE, ORDERED AND ADJUDGED that this case is
REVERSED and REMANDED for further proceedings.**

This, the 6th day of May, 2020.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE